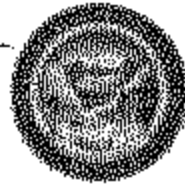


Permit No. NVS040000



National Pollutant Discharge Elimination System

**General Permit for Discharges from Small Municipal Separate Storm Sewer
Systems**

Authorization to Discharge under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.), except as provided in Part 1.3 of this permit, operators of small municipal separate storm sewer systems, located in an area specified in Part 1.1, and Chapter 445A of the Nevada Revised Statutes, and who submit a Notice of Intent and a storm water management plan in accordance with Parts 3 and 4, are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein.

This permit becomes effective on December 9, 2002

This permit and the authorization to discharge expire at midnight, December 8, 2007

Signed and issued this 9th day of DECEMBER, 2002.

A handwritten signature in cursive script, appearing to read "Clifford M. Lawson", is written over a horizontal line.

Clifford M. Lawson
Bureau of Water Pollution Control

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7. Definitions

1 Coverage under this Permit

1.1 Permit Area

This permit covers all of part of any Urbanized Area within the State of Nevada:

1.2 Eligibility

1.2.1 This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s), as defined in 40 CFR §122.26(b)(16). The permittee is authorized to discharge under the terms and conditions of this general permit if the permittee:

1.2.1.1 Operates a small MS4 within the permit area described in Section 1.1,

1.2.1.2 Is not a “large” or “medium” MS4 as defined in 40 CFR §122.26(b)(4) or (7), and

1.2.1.3 Submits a Notice of Intent (NOI) in accordance with Part 2 of this permit, and

1.2.1.4 Is located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or

1.2.1.5 Is a small MS4s located outside of a UA, serving a jurisdiction with a population of at least 10,000 and has population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census, or

1.2.1.5 Is designated for permit authorization by the Nevada Division of Environmental Protection (Division) pursuant to 40 CFR §122.32.

1.2.2 The following are types of authorized discharges:

1.2.2.1 *Storm water discharges.* This permit authorizes storm water discharges to waters of the United States from the small MS4s identified in Section 1.2.1, except as excluded in Section 1.3.

1.2.2.2 *Non-storm water discharges.* The permittees are authorized to discharge the following non-storm water sources provided that the permitting authority has not determined these sources to be substantial contributors of pollutants to the permittees MS4:

- Water line flushing
- Landscape irrigation

- Diverted stream flows
- Rising ground waters
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges
- Street wash water
- Discharges or flows from fire fighting activities

1.3 Limitations on Coverage

This permit does not authorize the following:

- 1.3.1 Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:
 - In compliance with a separate NPDES permit, or
 - Determined not to be a substantial contributor of pollutants to waters of the U.S.
- 1.3.2 Storm water discharges associated with industrial activity as defined in 40 CFR §122.26(b)(14)(i)-(ix) and (xi).
- 1.3.3 Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15).
- 1.3.4 Storm water discharges currently covered under another permit.
- 1.3.5 Discharges that would cause or contribute to instream exceedances of water quality standards. The permittees Storm Water Management Program (SWMP) must include a description of the BMPs that will be used to ensure that this will not occur. The Division may require corrective action or an

application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards.

- 1.3.6 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the Division unless the permittees discharge is consistent with that TMDL. This eligibility condition applies at the time the permittee submit a Notice of Intent for coverage. If conditions change after the permittee have permit coverage, the permittee may remain covered by the permit provided the permittee comply with the applicable requirements of Part 3. The permittee must incorporate any limitations, conditions and requirements applicable to the permittees discharges, including monitoring frequency and reporting required, into the permittees SWMP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, the permittee must apply for and receive an individual or other applicable general NPDES permit prior to discharging.
- 1.3.7 Discharges that do not comply with the EPA's anti-degradation policy for water quality standards. EPA's anti-degradation policies can be obtained from the appropriate environmental office or their Internet sites.

1.4 Obtaining Authorization

- 1.4.1 To be authorized to discharge storm water from small MS4s, the permittee must submit a notice of intent (NOI) and a description of the permittees SWMP in accordance with the deadlines presented in Section 2.1 of this permit.
- 1.4.2 The permittee must submit the information required in section 2.2 on the latest version of the NOI form (or photocopy thereof) contained in Addendum #A. The permittees NOI must be signed and dated in accordance with section 6.7 of this permit.

Note: If the Division notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), the permittee may take advantage of those options to satisfy the NOI use and submittal requirements of Section 2.

- 1.4.3 Unless notified by the Division to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from small MS4s under the terms and conditions of this permit thirty (30) days after the date that the NOI is postmarked. The Division may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see Section 6.16).

- 1.4.4 Where the operator changes, or where a new operator is added after submittal of an NOI under Part 2, a new NOI must be submitted in accordance with Part 2 prior to the change or addition.
- 1.4.5 The permittees shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1, 2004 and every year thereafter until the permit is terminated.
- 1.4.6 *Reapplication.* The permittees shall reapply not later than 180 days before this permit expires.

2 Notice of Intent Requirements

2.1 Deadlines for Notification

- 2.1.1 If the permittee are automatically designated under 40 CFR §122.32(a)(1) or designated by the permitting authority in this permit, then the permittees are required to submit an NOI and a description of the permittee's SWMP or apply for an individual permit by March 10, 2003.
- 2.1.2 *Additional designations after the date of permit issuance.* If a permittee is designated as a regulated Small MS4 by the permitting authority after the date of permit issuance, then the permittee is required to submit an NOI and a description of the permittee's SWMP to the permitting authority within 180 days of notice.
- 2.1.3 *Submitting a Late NOI.* The permittee are not prohibited from submitting an NOI after the dates provided in 2.1. If a late NOI is submitted, the permittees authorization is only for discharges that occur after permit coverage is granted. The permitting authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.

2.2 Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with Part 6.7 of this permit and must include the following information:

- 2.2.1 *Information on the Permittee:*
 - 2.2.1.1 The name of the permittees municipal entity/tribe/state agency/federal agency, mailing address, and telephone number;
 - 2.2.1.2 An indication of whether the permittee are a Federal, State, or other public entity;

2.2.2 *Information on the Municipal Separate Storm Sewer System:*

- 2.2.2.1 The Urbanized Area or Core Municipality (if the permittees are not located in an Urbanized Area) where the permittees' system is located; the name of the permittees' organization, or county (ies) where the permittees MS4 is located, and the latitude and longitude of an approximate center of the permittees MS4;
- 2.2.2.2 The name of the major receiving water(s) and an indication of whether any of the permittees receiving waters are on the latest CWA §303(d) list of impaired waters. If the permittee have discharges to 303(d) waters, a certification that the permittees SWMP complies with the requirements of Part 3.1;
- 2.2.2.3 An indication of whether all or a portion of the MS4 is located on Indian Country lands.
- 2.2.2.4 If the permittees are relying on another governmental entity regulated under the storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of the permittees' permit obligations (see Part 4.4), the identity of that entity (ies) and the element(s) they will be implementing.
- 2.2.2.5 Information on the permittees' chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part 4.2 of this permit, the permittees timeframe for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating the permittees' SWMP.

2.3 **Where to Submit**

The permittee are to submit the permittee's NOI, signed in accordance with the signatory requirements of Section 6.7 of this permit, to the Division at the following address:

Stormwater Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, NV 89706-0851

2.4 **Co-Permittees under a Single NOI**

The permittee may partner with other MS4s to develop and implement the permittees SWMP. The permittee may also jointly submit an NOI with one or more MS4s. Each MS4 must fill out the NOI form in Addendum #A. The description of the permittees' SWMP must clearly describe which permittees are responsible for implementing each of the control measures.

3 Special Conditions

3.1 Discharges to Water Quality Impaired Waters

3.1.1 *Applicability:* The permittee must:

3.1.1.1 Determine whether storm water discharge from any part of the MS4 significantly contributes directly or indirectly to the listing of a waterbody on the 303(d) list (i.e., impaired waterbody). If the permittee have discharges meeting this criteria, the permittee must comply with Part 3.1.2; if the permittee do not, Part 3.1 does not apply to the permittee.

3.1.1.2 If the permittee have “303(d)” discharges described above, the permittee must also determine whether a TMDL has been developed and approved by the Division for the listed waterbody. If there is a TMDL, the permittee must comply with both Parts 3.1.2 and 3.1.3; if no TMDL has been approved, Part 3.1.3 does not apply until a TMDL has been approved.

3.1.2 *Water Quality Controls for Discharges to Impaired Waterbodies.* The permittee’s SWMP (SWMP) must include a section describing how the permittees program will control the discharge of the pollutants of concern and ensure the permittees discharges will not cause or contribute to instream exceedances of the water quality standards. This discussion must specifically identify measures and BMPs that will collectively control the discharge of the pollutants of concern.

3.1.3 *Consistency with Total Maximum Daily Load (TMDL) Allocations.* If a TMDL has been approved for any waterbody into which the permittee discharge, the permittee must:

3.1.3.1 Determine whether the approved TMDL is for a pollutant likely to be found in storm water discharges from the permittees MS4.

3.1.3.2 Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from the permittees MS4.

3.1.3.3 Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.

3.1.3.4 After the determinations above have been made and if it is found that the permittees MS4 must implement specific WLA provisions of the TMDL, assess whether the WLAs are being met through implementation of existing storm water control measures or if additional control measures are necessary.

- 3.1.3.5 Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.
- 3.1.3.6 Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
- 3.1.3.7 If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Parts 3.1.3.4-7 until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

3.2 Carson City Urbanized Area Discharges to Clear Creek

- 3.2.1 Permittees within the Caron City Urbanized Area shall develop a separate Clear Creek Master Storm Water Management Program (CCSWMP). The CCSWMP must be developed, implemented, and enforced to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of a construction area, unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained, shall be provided. The CCSWMP shall include the following:
 - 3.2.1.1 A detailed description of Management practices that will be implemented;
 - 3.2.1.2 A detailed description of control techniques to ensure no discharge of pollutants into Clear Creek;
 - 3.2.1.3 A detailed description of system design and engineering methods used to protect Clear Creek from the discharge of pollutants;
 - 3.2.1.4 A schedule of implementation for all short term and long activities describing program development, implementation and maintenance;
 - 3.2.1.5 A monitoring program to ensure the overall quality and health of Clear Creek;
 - 3.2.1.6 A listing and tracking program for all Industrial facilities that have the potential to discharge into Clear Creek;
 - 3.2.1.7 A inspection program that ensures no discharges into Clear Creek;
 - 3.2.1.8 and such other provisions as the permitting authority determines appropriate for the control of such pollutants.
 - 3.2.1.9 The CCSWMP shall be submitted to the Division for approval on or before September 10, 2003.
- 3.2.2 The permittee may partner with other MS4s to develop and implement the permittees SWMP. The permittee may also jointly submit an NOI with one or

more MS4s. Each MS4 must fill out the NOI form in Addendum #A. The description of the permittees' SWMP must clearly describe which permittees are responsible for implementing each of the control measures

- 3.2.3 The permittees CCSWMP must include the following information and comply with each of the six minimum control measures described in Section 4.2 of this permit

4 Storm Water Management Programs

4.1 Requirements

- 4.1.1 The permittee must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the permittees small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP shall include management practices; control techniques and system, design, and engineering methods; and such other provisions as the permitting authority determines appropriate for the control of such pollutants. The permittees SWMP must include the following information and comply with each of the six minimum control measures described in Section 4.2 of this permit:
- 4.1.1.1 The best management practices (BMPs) that the permittee or another entity will implement for each of the storm water minimum control measures;
- 4.1.1.2 The measurable goals for each of the BMPs including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action; and
- 4.1.1.3 The person or persons responsible for implementing or coordinating the BMPs for the permittees' SWMP.
- 4.1.2 In addition to the requirements listed above, the permittee must provide a rationale for how and why the permittee selected each of the BMPs and measurable goals for the permittees' SWMP. The information required for such a rationale is given in Section 4.2 for each minimum measure. The permittee must develop and fully implement the permittee's program by December 10, 2007.
- 4.1.3 The SWMP shall be submitted to the Division for approval on or before September 10, 2003.

4.2 Minimum Control Measures

The six minimum control measures that must be included in the permittees' SWMP are:

4.2.1 Public Education and Outreach on Storm Water Impacts

- 4.2.1.1 *Permit requirement.* The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.
- 4.2.1.2 *Decision process.* The permittee must document the permittees' decision process for the development of a storm water public education and outreach program. The permittees' rationale statement must address both the overall public education program and the individual BMPs, measurable goals and responsible persons for the program. The rationale statement must include the following information, at a minimum:
 - 4.2.1.2.1 How the permittee plan to inform individuals and households about the available steps reduce storm water pollution.
 - 4.2.1.2.2 How the permittee plans to inform individuals and groups on how to become involved in the storm water program.
 - 4.2.1.2.3 Who the selected target audiences are for the permittees' education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected.
 - 4.2.1.2.4 What the target pollutant sources are that the permittee's public education program is designed to address.
 - 4.2.1.2.5 What the permittees' outreach strategy is, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) the permittee will use to reach the permittees' target audiences, and how many people are expected to be reached by the outreach strategy over the permit term.
 - 4.2.1.2.6 Who is responsible for overall management and implementation of the permittees' storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
 - 4.2.1.2.7 How will the permittee evaluate the success of this minimum measure, including how the selected the measurable goals for each of the BMPs.

4.2.2 Public Involvement/Participation

- 4.2.2.1 *Permit requirement.* The permittee must at a minimum, comply with State, and local public notice requirements when implementing a public involvement/participation program.
- 4.2.2.2 *Decision process.* The permittee must document the decision process for the development of a storm water public involvement/participation program. The permittees' rationale statement must address both the overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum:
- 4.2.2.2.1 How the permittee have involved the public in the development and submittal of the permittees NOI and SWMP.
 - 4.2.2.2.2 What is the permittees' plan to actively involve the public in the development and implementation of the program.
 - 4.2.2.2.3 Who are the target audiences for the permittees' public involvement program, including a description of the types of ethnic and economic groups engaged. The permittee are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
 - 4.2.2.2.4 What are the types of public involvement activities included in the permittees program. Where appropriate, consider the following types of pubic involvement activities:
 - 4.2.2.2.4.1 Citizen representatives on a storm water management panel
 - 4.2.2.2.4.2 Public hearings
 - 4.2.2.2.4.3 Working with citizen volunteers willing to educate others about the program
 - 4.2.2.2.4.4 Volunteer monitoring or stream/beach clean-up activities
 - 4.2.2.2.5 Who is responsible for the overall management and implementation of the permittees storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
 - 4.2.2.2.6 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.3 Illicit Discharge Detection and Elimination

4.2.3.1 *Permit requirement.* The permittee must:

- 4.2.3.1.1 Develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in 40 CFR §122.26(b)(2)) into the permittees small MS4;
- 4.2.3.1.2 Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;
- 4.2.3.1.3 To the extent allowable under State, or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the permittees' storm sewer system and implement appropriate enforcement procedures and actions;
- 4.2.3.1.4 Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the permittees' system;
- 4.2.3.1.5 Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste; and
- 4.2.3.1.6 Address the following categories of non-storm water discharges or flows (i.e., illicit discharges) only if the permittee identify them as significant contributors of pollutants to the permittees small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from fire fighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).
- 4.2.3.1.7 The permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected to be significant sources of pollutants to the Municipal Separate Storm Sewer System, because of either the nature of the discharges or conditions the permittee have established for allowing these discharges to the permittees MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs

on the wash water, etc.). The permittee must document in the SWMP any local controls or conditions placed on the discharges. The permittee must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to the MS4.

4.2.3.2 *Decision process.* The permittee must document the decision process for the development of a storm water illicit discharge detection and elimination program. The permittees rationale statement must address both the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum:

4.2.3.2.1 How the permittee will develop a storm sewer map showing the location of all outfalls and the names and location of all receiving waters. Describe the sources of information the permittee used for the maps, and how the permittee plans to verify the outfall locations with field surveys. If already completed, describe how the map was developed. Also, describe how the map will be regularly updated.

4.2.3.2.2 The mechanism (ordinance or other regulatory mechanism) the permittee will use to effectively prohibit illicit discharges into the MS4 and why the mechanism was chosen. If the permittee needs to develop this mechanism, describe the plan and the schedule to do so. If the permittees ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.

4.2.3.2.3 The permittees' plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.

4.2.3.2.4 The permittees' plan to detect and address illicit discharges to the system, including discharges from illegal dumping and spills. The permittees plan must include dry weather field screening for non-storm water flows and field tests of selected chemical parameters as indicators of discharge sources. The permittees plan must also address on-site sewage disposal systems that flow into the storm drainage system. The permittees description must address the following, at a minimum:

4.2.3.2.4.1 Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.

4.2.3.2.4.2 Procedures for tracing the source of an illicit discharge, including the specific techniques that will be used to detect the location of the source.

4.2.3.2.4.3 Procedures for removing the source of the illicit discharge

4.2.3.2.4.4 Procedures for program evaluation and assessment.

4.2.3.2.5 How the permittee plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the permittees description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.

4.2.3.2.6 Who is responsible for overall management and implementation of the storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.

4.2.3.2.7 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.4 Construction Site Storm Water Runoff Control

4.2.4.1 *Permit requirement.* The permittee must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the permittees small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the NPDES permitting authority waives requirements for storm water discharges associated with small construction activity in accordance with § 122.26(b)(15)(i), the permittee are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites. The permittees program must include the development and implementation of, at a minimum:

4.2.4.1.1 An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, or local law;

4.2.4.1.2 Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;

4.2.4.1.3 Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

- 4.2.4.1.4 Procedures for site plan review which incorporate consideration of potential water quality impacts;
- 4.2.4.1.5 Procedures for receipt and consideration of information submitted by the public; and
- 4.2.4.1.6 Procedures for site inspection and enforcement of control measures.
- 4.2.4.2 *Decision process.* The permittee must document the decision process for the development of a construction site storm water control program. The permittees rationale statement must address both the overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement must include the following information, at a minimum:
 - 4.2.4.2.1 The mechanism (ordinance or other regulatory mechanism) the permittee will use to require erosion and sediment controls at construction sites and why that mechanism was chosen. If the permittee needs to develop this mechanism, describe the plan and the schedule to do so. If the permittees ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the SWMP description.
 - 4.2.4.2.2 The permittees plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms that will be used to ensure compliance. Describe the permittees procedures for when the permittee will use certain sanctions. Possible sanctions include non-monetary penalties (such a stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
 - 4.2.4.2.3 The permittees requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
 - 4.2.4.2.4 The permittees procedures for site plan review, including the review of pre-construction site plans, which incorporate consider of potential water quality impacts. Describe the permittees procedures and the rationale for how the permittee will identify certain sites for site plan review, if not all plans are reviewed. Describe the estimated number and percentage of site that will have pre-construction site plans reviewed.
 - 4.2.4.2.5 The permittees procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the permittees public education program.

- 4.2.4.2.6 The permittees procedures for site inspection and enforcement of control measures, including how the permittee will prioritize sites for inspection.
- 4.2.4.2.7 Who is responsible for overall management and implementation of the construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.4.2.8 Describe how the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.5 Post-Construction Storm Water Management in New Development and Redevelopment

- 4.2.5.1 *Permit requirement.* The permittee must:

- 4.2.5.1.1 Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permittees small MS4. The permittees program must ensure that controls are in place that would prevent or minimize water quality impacts;
 - 4.2.5.1.2 Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for the permittees community; and
 - 4.2.5.1.3 Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, or local law; and
 - 4.2.5.1.4 Ensure adequate long-term operation and maintenance of BMPs.
- 4.2.5.2 *Decision process.* The permittee must document the decision process for the development of a post-construction SWMP. The permittees rationale statement must address both the overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for the program. The rational statement must include the following information, at a minimum:
 - 4.2.5.2.1 The permittees program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
 - 4.2.5.2.2 How the permittees program will be specifically tailored for the local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.

4.2.5.2.3 Any non-structural BMPs in the permittees program, including, as appropriate:

4.2.5.2.3.1 Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;

4.2.5.2.3.2 Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;

4.2.5.2.3.3 Education programs for developers and the public about project designs that minimize water quality impacts; and

4.2.5.2.3.4 Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.

4.2.5.2.4 Any structural BMPs in the permittees program, including, as appropriate:

4.2.5.2.4.1 Storage practices such as wet ponds and extended-detention outlet structures;

4.2.5.2.4.2 Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and

4.2.5.2.4.3 Infiltration practices such as infiltration basins and infiltration trenches.

4.2.5.2.5 What are the mechanisms (ordinance or other regulatory mechanisms) The permittee will use to address post-construction runoff from new developments and redevelopments and why did the permittee chose that mechanism. If the permittee needs to develop a mechanism, describe the plan and the schedule to do so. If the permittees ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.

4.2.5.2.6 How the permittee will ensure the long-term operation and maintenance (O&M) of the selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the permittee and another party such as the post-development landowners or regional authorities.

- 4.2.5.2.7 Who is responsible for overall management and implementation of the post-construction SWMP and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.5.2.8 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations

- 4.2.6.1 *Permit requirement.* The permittee must:
 - 4.2.6.1.1 Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - 4.2.6.1.2 Using training materials that are available from EPA, the Division, Tribe, or other organizations, the permittees program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
- 4.2.6.2 *Decision process.* The permittee must document the decision process for the development of a pollution prevention/good housekeeping program for municipal operations. The permittees rationale statement must address both the overall pollution prevention/good housekeeping program and the individual BMPs, measurable goals, and responsible persons for the program. The rationale statement must include the following information, at a minimum:
 - 4.2.6.2.1 The permittees operation and maintenance program to prevent or reduce pollutant runoff from the permittees municipal operations. The permittees program must specifically list the municipal operations that are impacted by this operation and maintenance program. The permittee must also include a list of industrial facilities the permittee own or operate that are subject to the Division's Multi-Sector General Permit (MSGP) or individual NPDES permits for discharges of storm water associated with industrial activity that ultimately discharge to the permittees MS4. Include the Division permit number or a copy of the Industrial NOI form for each facility.
 - 4.2.6.2.2 Any government employee training program the permittee will use to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials the permittee plans to use.

Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.

- 4.2.6.2.3 The permittees program description must specifically address the following areas:
 - 4.2.6.2.3.1 Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to the permittees MS4.
 - 4.2.6.2.3.2 Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt/sand storage locations and snow disposal areas the permittee operates.
 - 4.2.6.2.3.3 Procedures for the proper disposal of waste removed from the permittees MS4 and the permittees municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris.
 - 4.2.6.2.3.4 Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- 4.2.6.2.4 Who is responsible for overall management and implementation of the pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
- 4.2.6.2.5 How the permittee will evaluate the success of this minimum measure, including how the permittee selected the measurable goals for each of the BMPs.

4.3 Sharing Responsibility

Implementation of one or more of the minimum measures may be shared with another entity, or the entity may fully take over the measure. The permittee may rely on another entity only if:

- 4.3.1 The other entity, in fact, implements the control measure;
- 4.3.2 The particular control measure, or component of that measure, is at least as stringent as the corresponding permit requirement.
- 4.3.3 The other entity agrees to implement the control measure on the permittees behalf. Written acceptance of this obligation is required. This obligation must

be maintained as part of the description of the permittees SWMP. If the other entity agrees to report on the minimum measure, the permittee must supply the other entity with the reporting requirements contained in Section 5.3 of this permit. If the other entity fails to implement the control measure on the permittees behalf, then the permittee remain liable for any discharges due to that failure to implement.

4.4 Reviewing and Updating Storm Water Management Programs

4.4.1 *Storm Water Management Program Review:* The permittee must complete an annual review of the SWMP in conjunction with preparation of the annual report required under Part 5.3

4.4.2 *Storm Water Management Program Update:* The permittee may change the SWMP during the life of the permit in accordance with the following procedures:

4.4.2.1 Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Permitting Authority.

4.4.2.2 Changes replacing an ineffective or unfeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied by the Permitting Authority, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented 60 days from submittal of the request. If request is denied, the permitting Authority will send the permittee a written response giving a reason for the decision. The permittees modification requests must include the following:

4.4.2.2.1 An analysis of why the BMP is ineffective or infeasible (including cost prohibitive),

4.4.2.2.2 Expectations on the effectiveness of the replacement BMP, and

4.4.2.2.3 An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

4.4.2.3 Change requests or notifications must be made in writing and signed in accordance with Part 6.7.

4.4.3 *Storm Water Management Program Updates Required by the Permitting Authority:* The Permitting Authority may require changes to the SWMP as needed to:

4.4.3.1 Address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;

- 4.4.3.2 Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
- 4.4.3.3 Include such other conditions deemed necessary by the Permitting Authority to comply with the goals and requirements of the Clean Water Act.
- 4.4.3.4 Changes requested by the Permitting Authority must be made in writing, set forth the time schedule for the permittee to develop the changes, and offer the permittee the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Permitting Authority will be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.
- 4.4.4 *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee must implement the SWMP on all new areas added to the permittees portion of the municipal separate storm sewer system (or for which the permittee become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
 - 4.4.4.1 Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - 4.4.4.2 Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

5 Monitoring, Recordkeeping, and Reporting

5.1 Monitoring

- 5.1.1 The permittee must evaluate program compliance, the appropriateness of identified best management practices, and progress toward achieving identified measurable goals. If the permittee discharges to a water for which a TMDL has been approved, the permittee will have additional monitoring requirements under Part 3.1.3.6.
- 5.1.2 When the permittee conducts monitoring at the permittees permitted small MS4, the permittee is required to comply with the following:
 - 5.1.2.1 *Representative monitoring.* Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
 - 5.1.2.2 *Test Procedures.* Test procedures for the analysis of pollutants shall conform to regulations (40 CFR, Part 136) published pursuant to Section 304(h) of the Act, under which such procedures may be required unless other procedures are approved by the Division.
- 5.1.3 Records of monitoring information shall include:
 - 5.1.3.1 The date, exact place, and time of sampling or measurements;
 - 5.1.3.2 The names(s) of the individual(s) who performed the sampling or measurements;
 - 5.1.3.3 The date(s) analyses were performed;
 - 5.1.3.4 The names of the individuals who performed the analyses;
 - 5.1.3.5 The analytical techniques or methods used; and
 - 5.1.3.6 The results of such analyses.
- 5.1.4 Monitoring results must be reported on a Discharge Monitoring Report (DMR)
- 5.1.5 Analyses shall be performed by a State of Nevada certified laboratory. Results from this lab must accompany the Annual Reports
- 5.1.6 After considering monitoring data, stream flow, discharge flow and receiving water conditions, the Division, may for just cause, modify the monitoring frequency and/or sample type by issuing an order to the permittee

5.2 Record keeping

- 5.2.1 The permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the permitting authority at any time.
- 5.2.2 The permittee must submit the records to the permitting authority only when specifically asked to do so. The permittee must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the permitting authority. The permittee must make the records, including the notice of intent (NOI) and the description of the SWMP, available to the public if requested to do so in writing.

5.3 Reporting

- 5.3.1 The permittee must submit annual reports to the Division by December 1 of each year of the permit term. The report must include:
- 5.3.1.1 The status of the permittees compliance with permit conditions, an assessment of the appropriateness of the identified best management practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
- 5.3.1.2 Results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- 5.3.1.3 A summary of the storm water activities the permittee plans to undertake during the next reporting cycle (including an implementation schedule);
- 5.3.1.4 Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements; and
- 5.3.1.5 Notice that the permittee are relying on another government entity to satisfy some of the permit obligations (if applicable).
- 5.3.1.6 The permittees shall submit a stormwater monitoring plan for the following year on or before November 1 each year. The plan shall include the use of *Environmental Indicators* if appropriate.

- 5.3.1.7 A summary of inspections performed and enforcement activity taken during the report cycle.
- 5.3.1.8 If the permittee performs any additional monitoring beyond that required by the stormwater monitoring plan the results of such monitoring shall be reported
- 5.3.2 An original signed copy of all reports and plans required herein shall be submitted to the State at the following address:

Stormwater Coordinator
Bureau of Water Pollution Control
Nevada Division of Environmental Protection
333 West Nye Lane
Carson City, NV 89706-0851

6 Standard Permit Conditions

6.1 Duty to Comply

- 6.1.1 The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- 6.1.2 *Penalties for Violations of Permit Conditions.*

6.2 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

- 6.2.1 Reissuance or replacement of this permit, at which time the permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
- 6.3.2 Issuance of an individual permit for the permittees discharges; or
- 6.3.3 A formal permit decision by the permitting authority not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or an individual permit.

6.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

6.4 Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 Duty to Provide Information

The permittee must furnish to the permitting authority any information that is requested to determine compliance with this permit or other information.

6.6 Other Information

If the permittee becomes aware that the permittee has failed to submit any relevant facts in the permittees Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the permitting authority, the permittee must promptly submit such facts or information.

6.7 Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the permitting authority, or that this permit requires be maintained by the permittee shall be signed and certified as follows:

6.7.1 *Notices of Intent.* All Notices of Intent shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

6.7.2 *Reports and other information.* All reports required by the permit and other information requested by the permitting authority or authorized representative of the permitting authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 6.7.2.1 *Signed authorization.* The authorization is made in writing by a person described above and submitted to the permitting authority.
- 6.7.2.2 *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.
- 6.7.3 *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of (6.7.2.2) above must be submitted to the permitting authority prior to or together with any reports, information, or notices of intent to be signed by an authorized representative.
- 6.7.4 *Certification.* Any person (as defined above in (6.7.2.1 and 6.7.2.2)) signing documents under section 6.7 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

6.8 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

6.9 Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the conditions of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

6.10 Inspection and Entry

The permittee must allow the permitting authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

- 6.10.1 Enter the permittees premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- 6.10.2 Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- 6.10.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 6.10.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

6.11 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The permittees filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6.12 Permit Transfers

This permit is not transferable to any person except after notice to the permitting authority. The permitting authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

6.13 Anticipated Noncompliance

The permittee must give advance notice to the permitting authority of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

6.14 State Environmental Laws

6.14.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

6.14.2 No condition of this permit releases the permittee from any responsibility or requirements under other environmental statutes or regulations.

6.15 Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

6.16 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

6.17 Requiring an Individual Permit or an Alternative General Permit

6.17.1 *Request by permitting authority.* The permitting authority may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the permitting authority to take action under this paragraph. Where the permitting authority requires the permittee to apply for an individual NPDES permit, the permitting authority will notify the permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the permittee to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications must be submitted to the appropriate Regional Office. The permitting authority may grant additional time to submit the application upon request of the applicant. If the permittee fail to submit in a timely manner an individual NPDES permit application as required by the permitting authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the permitting authority for application submittal.

6.17.2 *Request by permittee.* Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee must submit an individual application in accordance with the requirements of 40 CFR 122.33(b)(2), with reasons

supporting the request, to the permitting authority at the address for the appropriate Regional Office. The request may be granted by issuance of any individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

- 6.17.3 *General permit termination.* When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the permittee are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the permitting authority.

6.18 Transfer of Ownership or Control

- 6.18.1 In the event of any change in control or ownership of storm drain systems covered by this permit, the permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. All transfer of permits shall be approved by the Division.

6.19 Availability of Reports

- 6.19.1 Except for data determined to be confidential under NRS 445A.665, all reports and plans prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Division. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

6.20 Furnishing False Information and Tampering with Monitoring Devices

- 6.20.1 Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This

penalty is in addition to any other penalties, civil or criminal, pursuant to NRS 445A.300 to 445A.730, inclusive.

6.21 Penalty for Violation of Permit Conditions

- 6.21.1 Nevada Revised Statutes NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.710.

6.22 Permit Modification, Suspension or Revocation

- 6.22.1 After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- 6.22.1.1 Violation of any terms or conditions of this permit;
- 6.22.1.2 Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- 6.22.1.3 A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

6.23 Liability

- 6.23.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State or local laws, regulations, or ordinances.

6.24 Property Rights

- 6.24.1 The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6.25 Severability

- 6.25.1 The provisions of this permit are severable, and if any provision of this permit, or the application of any provisions of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7 Definitions

All definition contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the even of a conflict, the definition found in the Statute or Regulation takes precedence.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined at 40 CFR 122.2.

Illicit Connection means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge is defined at 40 CFR 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by CWA §402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR 122.34.

MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4"). The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities (e.g., the Houston MS4 includes MS4s operated by the city of Houston, the Texas Department of Transportation, the Harris County Flood Control District, Harris County, and others).

Municipal Separate Storm Sewer is defined at 40 CFR 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

Permitting Authority means the Nevada Division of Environmental Protection.

Small Municipal Separate Storm Sewer System is defined at 40 CFR 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares.

The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water is defined at 40 CFR 122.26(b)(13) and means storm water runoff, snowmelt runoff, and surface runoff and drainage.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

SWMP is an acronym for “Storm Water Management Program.”

“*The permittee*” and “*The permittees*” as used in this permit is intended to refer to the permittee, the operator, or the discharger as the context indicates and that party’s responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).